APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,766	01/25/2001	Ofir Paz	14531.107.1.5	7764

47973	7590	06/15/2006	

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER
HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application N .	Applicant(s)
Offic Action Summary	09/770,766	PAZ ET AL.
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communicati n appears on the cover sheet with the correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>27-29 and 45-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>27-29 and 45-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>1-25-01</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☒ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is responsive to communications filed on 12/21/05. Claims 1-26, 30-44 are cancelled. Claims 27, 29, 45, 47 are amended. Claims 30, 46 are previously presented.

Response to Arguments

2.   Applicant's arguments filed 12/21/05 for Claims 27, 28, 45 have been fully considered but they are not persuasive. Applicant states that Gardell teaches away from the invention because the HTML UI definitions are stripped from the compressed video stream.

In order for Gardell to teach away from the invention and not be allowed to be combined with Hooper, Gardell would have to state that the HTML UI definitions or interactive overlay can only be transmitted via stripping away and that the interactive elements or HTML UI definitions cannot be apart of a compressed stream. Gardell discloses the STB processing image formation for display on television. It is necessary included that the web page or compressed video or MPEG I frame is decompressed or processed to display the web page.

Hooper is combined with Gardell to show that it is well known in the art to include an overlay for interaction with a compressed video (Column 2, lines 58-67, Column 3,

lines 1-17). Hooper discloses decompressing MPEG video frames (Column 6, lines 12-22), which would include overlay and background images, which are independent compressed video frames (Column 2, lines 58-67, Column 3, lines 1-17) and compressed video or TV signal (Figure 1, 24). Note: Hooper discloses that the compressed background image or overlay image can be MPEG I frame, or P-frames or a combination (Column 6, lines 38-67). Hooper discloses a video signal or TV signal that can be MPEG type video data stream (Figure 1, 24, Column 6, lines 12-22). Hooper discloses that background images can be created and encoded and compressed into independent compressed video frames. The background and interactive images are the additional or independent video stream with a first compressed video stream or TV signal (Figure 1, 24).

3.   Applicant's arguments with respect to claim 29 have been considered but are moot in view of the new ground(s) of rejection.

Oath/Declaration

4.   The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application

having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 27, 28, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardell et al (US 6,049,831 and hereafter referred to as "Gardell") in view of Hooper et al (US 5,493,638 and hereafter referred to as "Hooper").

Regarding Claim 27, Gardell discloses a system (Figure 1) wherein a client interactive TV system (Figure 1, 122, 146) accesses and runs one or more programs remotely at a server (Figure 1, 114, Column 4, lines 49-52) and wherein the server converts display commands generated from the one or more programs into compressed video streams (Column 4, lines 49-52), a method for enabling a client to access TV channel programming via interaction with the one or more programs (Column 9, lines 14-26), the method comprising: receiving, at a client interactive TV system, a first compressed video stream representing a WWW page that identifies one or more TV channels (Column 4, lines 29-30, 49-52), wherein WWW page or Web page is converted to a the first compressed video stream or an MPEG I stream and transmitted

to the interactive TV (Figure 1, 122, 146, 138) by a remote server (Figure 1, 138, 114).

Gardell discloses displayable portion or HTML UI definitions of Web page (Column 4,

lines 29-30, 49-52). Gardell discloses the STB processing image formation for display

on television. It is necessary included that the web page or compressed video or MPEG

I frame is decompressed or processed to display the web page. Gardell discloses

displaying the Web page and the at least one control; detecting an interaction of a user

with the at least one control that indicates a selection of the one of the identified one or

more TV channels or user selecting a link in the MPEG encoded web page (Column 4,

lines 9-18); providing the user interaction to the remote server which converts the user

interaction into a format that can be assimilated by one or more programs running at the

remote server or the session manager responds to the change notifications received by

the STB and presenting new information (Column 4, lines 9-18) and in response to the

user interaction, receiving and displaying the selected one of the identified TV channels,

on the client interactive TV system (Column 9, lines 14-27, Figure 1, Figure 2).

Gardell is silent on receiving as an overlay on the first compressed video stream,

an additional compressed video stream that includes at least one control corresponding

to an interaction layer that allows for user input for modifying the first compressed video

stream, wherein the client interactive TV system decompresses both the first and

additional compressed video streams.

Hooper discloses a system with a client interactive TV system (Figure 1, 18, 20),

which can decode and decompress MPEG video frames (Column 6, lines 6-22).

Hooper discloses receiving as an overlay and/or background image (Figure 2, 28, 30,

32) on the first compressed video stream (Column 6, lines 6-22). Hooper discloses encoding background and still images according to a compression algorithm with the result of the algorithm being a compressed independent video frame and transmitting the compressed video frame to video display device (Column 2, lines 58-67, Column 3, lines 1-17, Column 5, lines 39-50) and that the overlay images and background images are interactive (Column 5, lines 39-50), which reads on an additional compressed video stream that includes at least one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream, wherein the client interactive TV system decompresses both the first and additional compressed video streams or decompressing MPEG video frames (Column 6, lines 12-22), which would include overlay and background images which are independent compressed video frames (Column 2, lines 58-67, Column 3, lines 1-17) and compressed video for a TV signal (Column 6, lines 12-22, Figure 1, 24). Hooper discloses displaying and displays the MPEG streams and the overlay and background images with the at least one control (Figure 3, Column 2, lines 58-67, Column 3, lines 1-17); detecting an interaction of a user with the at least one control that indicates a selection of the video frame or providing an interactive system which allows transmitting to the server changes to the screen (Column 3, lines 50-67, Column 4, lines 1-2, Column 6, lines 19-21); providing the user interaction to the remote server, which converts the user interaction into a format that can be assimilated by one or more programs running at the remote server and in response to the user interaction (Column 3, lines 50-67, Column 4, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Gardell receive as an overlay on the first compressed video stream, an additional compressed video stream that includes at least one control corresponding to an interaction layer, that allows user input (Column 2, lines 58-67, Column 3, lines 1-17, Column 5, lines 39-50) and decompressing both first and additional compressed video streams (Column 6, lines 12-22) as taught by Hooper in order to store the background and overlay images at the server and transmit images to the set top in a compressed format with storing images (Column 2, lines 48-57) and also conserves bandwidth (Column 4, lines 3-7) as disclosed by Hooper.

Regarding Claim 28, Gardell and Hooper disclose all limitations of Claim 27. Gardell discloses the TV channel comprises a pay on demand movie or video on demand (VOD) service (Column 8, lines 40-52).

Regarding Claim 45, Gardell and Hooper disclose all limitations of Claim 27. Hooper discloses that the remote location such as a cable television transmission facility or server (Column 4, lines 56-60) includes a video/image workstation (Figure 1, 10) that runs the one or more programs (Column 5, lines 17-30) and an authoring workstation (Figure 1, 10), which converts display commands into compressed video (Column 5, lines 31-50).

7.   Claims 29, 46, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller et al (US 5,828,370 and hereafter referred to as "Moeller") in view of Hooper.

Regarding Claim 29, Moeller disclose in a system wherein a client system

(Figure 1, 52, Figure 2, 57) accesses and runs one or more programs or

multimedia/video streams remotely at a server (Column 6, lines 8-18, Figure 1, 50), a

method for enabling a client to modify the compressed video streams, the method

comprising:

at a server that is remote from a client and that runs one or more programs for

the client, providing a first compressed video stream representing a TV channel

(Column 6, lines 32-33, 47-48, 67, Column 7, lines 1-2);

overlaying on the first compressed video stream a slider bar graphical icon

(Figure 2, 54) representing an interaction layer that includes at least one control that

corresponds to modifications that can be made to the first compressed video stream

(Column 7, lines 13-33), the slider bar being overlaid on the first compressed video

stream without decompressing the first compressed video stream (Column 9, line 7),

wherein the TV channel and the at least one control are displayed at the client system

upon the client system receiving and decompressing the first video stream (Figure 2,

Column 7, lines 2-11);

receiving input from a viewer comprising interaction with said at least one control

(Column 7, lines 13-35); converting the input from the viewer into a format that can be

assimilated by the one or more programs running at the server or user manipulation of

the slide bar (Column 7, lines 34-42); and

modifying at least the first compressed video stream responsive to said received

interaction by at least one of: changing a channel over which the client system receives

compressed video and such that the client receives new compressed video, or providing

the client access to a different set of P frames than were originally provided in the first

compressed video stream or the user selecting fast forward or reverse or trick play

streams (Column 3, lines 41-45, Column 7, lines 13-33, Column 9, lines 38-51).

Moeller discloses that the graphical icon is provided directly by the video server

in conjunction with the movie video stream or first compressed stream and that the icon

can be updated in view of user operation not the movie (Column 7, lines 64-67, Column

7, lines 13-33). Moelller does not explicitly disclose that the server converts display

commands generated from the one or more programs into compressed video streams.

Moeller therefore does not explicitly disclose decompressing the second compressed

video stream. Hooper discloses a system with a client interactive TV system (Figure 1,

18, 20), which can decode and decompress MPEG video frames (Column 6, lines 6-22).

Hooper discloses receiving as an overlay and/or background image (Figure 2, 28, 30,

32) on the first compressed video stream (Column 6, lines 6-22). Hooper discloses

encoding background and still images according to a compression algorithm with the

result of the algorithm being a compressed independent video frame and transmitting

the compressed video frame to video display device (Column 2, lines 58-67, Column 3,

lines 1-17, Column 5, lines 39-50) and that the overlay images and background images

are interactive (Column 5, lines 39-50), which reads on an additional compressed video

stream that includes at least one control corresponding to an interaction layer that

allows for user input for modifying the first compressed video stream, wherein the client

interactive TV system decompresses both the first and additional compressed video

streams or decompressing MPEG video frames (Column 6, lines 12-22), which would

include overlay and background images which are independent compressed video

frames (Column 2, lines 58-67, Column 3, lines 1-17) and compressed video for a TV

signal (Column 6, lines 12-22, Figure 1, 24).   Hooper discloses displaying and displays

the MPEG streams and the overlay and background images with the at least one control

(Figure 3, Column 2, lines 58-67, Column 3, lines 1-17); detecting an interaction of a

user with the at least one control that indicates a selection of the video frame or

providing an interactive system which allows transmitting to the server changes to the

screen (Column 3, lines 50-67, Column 4, lines 1-2, Column 6, lines 19-21); providing

the user interaction to the remote server, which converts the user interaction into a

format that can be assimilated by one or more programs running at the remote server

and in response to the user interaction (Column 3, lines 50-67, Column 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Moeller to receive as an overlay on the first

compressed video stream, an additional compressed video stream that includes at least

one control corresponding to an interaction layer, that allows user input (Column 2, lines

58-67, Column 3, lines 1-17, Column 5, lines 39-50) and decompressing both first and

second compressed video streams (Column 6, lines 12-22) as taught by Hooper in

order to store the background and overlay images at the server and transmit images to

the set top in a compressed format with storing images (Column 2, lines 48-57) and also

conserves bandwidth (Column 4, lines 3-7) as disclosed by Hooper.

Regarding Claim 46, Moeller and Hooper disclose all the limitations of Claim 29. Moeller disclose modifying at least the first compressed video stream responsive to the received interaction (Column 7, lines 13-42) including modifying the slider bar or overlay (Column 7, lines 64-67). Hooper discloses the background and overlay image as a second compressed video stream (Column 2, lines 58-67, Column 3, lines 1-17).

Regarding Claim 47, Moeller and Hooper disclose all the limitations of Claim 29. Moeller discloses the different set of P frames are provided with other new sets of P frames corresponding to different users through a common channel or indexing P-frames at different locations or positions in a normal play video stream, generally based on user selections (Column 8, lines 55-60) and displaying the normal play or trick play streams to one or more display units or viewers (Figure 1, 52, Column 8, lines 45-48). It is necessarily included that the plurality of viewers sharing a video stream over a common channel as the viewers would be sharing the P frames of video stream just as normal broadcast video delivery.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
June 1, 2006

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600